

**ZB# 94-12**

**Frank Petronella**

**35-1-3.31**

Prelim.

May 9, 1994.

Motion to sched. P.H.

Need copy of:

- ① Deed
- ② Title Report

③ Fees: \$50.00

292.00

④ Photo of

Add. Photos

Requested: Notice to Submit on 5/10/94.

Ap. to call when  
he receives list

Public Hearing:

June 13, 1994.

Area Variance

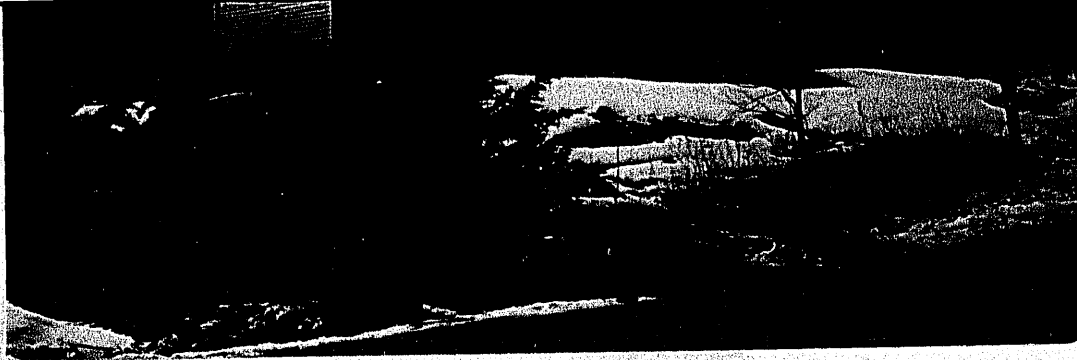
Denied

2-2

#94-12 - Petronella, Frank - ~~1142~~/Area.



10-14-01



CO 217- Passaro, Enrico Rosinac

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

Received of

David Petronella

July 26, 1994  
\$ 50<sup>00</sup>/<sub>100</sub>

Fifty and <sup>00</sup>/<sub>100</sub>

DOLLARS

For ZBA Application Fee (#94-12)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check # 184		\$ 50 <sup>00</sup> / <sub>100</sub>

By

Dorothea H. Hansen

Town Clerk

Title

-----X  
In the Matter of the Application of

FRANK PETRONELLA

DECISION DENYING  
AREA VARIANCE#94-12.  
  
-----X

WHEREAS, FRANK PETRONELLA, 459 Riley Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 30,330 s.f. lot area and 15 ft. lot width variance for existing two-family residence located on Riley Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 13th day of June, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared by FRANK PETRONELLA; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property is in a residential neighborhood containing two-family homes.

(b) A structure was erected on premises of approximately 35,010 square feet lot area. This is sufficient lot area to allow the construction of a one-family home under the Town of New Windsor law but the law requires a lot area of 65,000 square feet for construction of a two-family home. Provided the lot is of that area, the use is an allowed one in this district.

(c) The applicant applied for and received a building permit for a single-family house.

(d) The house is built but not finished.

(e) The applicant seeks to convert the one-family permission previously obtained to permission to use the structure for a two-family use. Applicant does not believe that the proposed structure will be a two-family use but as the applicant described the proposed use, it appears to the Board to be a two-family use.

(f) The applicant owns sufficient land to expand to 65,000 square feet. The applicant claims it would be very expensive to fill in the wet portion of that additional land to make it usable but the applicant produced no evidence of such expense that would allow the Board to determine if the expense of doing so makes it not a feasible method of proceeding.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is another feasible method available to applicant since the applicant owns sufficient contiguous property to produce a lot which conforms to the requirements of the local law for lot area.

3. The requested variance is substantial in relation to the town regulations.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created since the applicant is building this structure and has already applied for and obtained permission to build a structure which conforms to the requirements of the Zoning Local Law.

6. It is the finding of this Board that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood since enacting the statute, it must be presumed that the New Windsor Town Board considered 65,000 square feet to be the minimum area necessary to locate a two-family home for the location of water wells and septic disposal which is necessary for the health, safety and welfare of the community and the inhabitants of the property.

7. It is the further finding of this Board that the requested area variances are more than the minimum necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will not be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

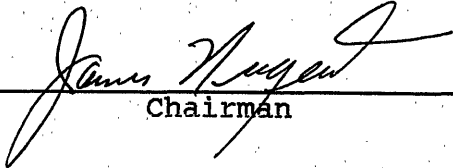
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY 30,330 s.f. lot area and 15 ft. lot width variance for an existing two-family residence located on Riley Road in an R-3 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the

public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 26, 1994.

  
Chairman

(ZBA DISK#12-091694.FP)



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(914)563-4630

July 19, 1994  
FAX:914-563-4693

Mr. Frank Petronella  
459 Riley Road  
New Windsor, N. Y. 12553

RE: APPLICATION FOR AREA VARIANCES - #94-12

Dear Mr. Petronella:

It has come to my attention that upon review of your file #94-12 that you never paid the necessary variance application or consultation fees which were due to the Town of New Windsor before the public hearing of June 13, 1994.

Kindly forward two checks payable to the Town of New Windsor as stated in the annexed Procedure for Public Hearing which was presented to you at your preliminary meeting of May 9, 1994.

Very truly yours,

PATRICIA A. BARNHART, Secretary  
Zoning Board of Appeals

/pab

Enclosure

*paid*

*cks # 183 - \$292.00  
182 - \$50.00*

*7/26/94 -*



*Prelim.*  
*May 9, 1994*  
*#94-12*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 21, 1994

APPLICANT: FRANCESCO PETRONELLA  
459 RILEY ROAD  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: [REDACTED], 1994

FOR (BUILDING PERMIT): #6468

LOCATED AT: 459 RILEY ROAD

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION: 35, BLOCK: 1, LOT: 3.31  
ONE FAMILY

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. CONVERSION FROM ONE FAMILY TO A TWO FAMILY HOUSE HAS  
INADIUQUATE:

1. LOT AREA ✓
2. LOT WIDTH ✓
- ~~3. REQUIRED STREET FRONTAGE~~
4. ~~USE - 2 family~~

*[Signature]*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3      USE A-12		
MIN. LOT AREA      65,340	35,010	<u>30,330</u>
MIN. LOT WIDTH      150	135	15
REQ'D FRONT YD <del>40</del>	<del>35</del>	<del>10</del>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

SECTION 32



PETRONELLA, FRANK

MR. NUGENT: Request for 30,330 s.f. lot area and 15 ft. lot width variance for existing two-family residence located on Riley Road in R-3 zone.

Mr. Frank Petronella appeared before the board for this proposal.

MR. PETRONELLA: I really have nothing to say, except I brought some more pictures.

MR. NUGENT: Andy is going to ask you some more questions.

MR. KRIEGER: In the neighborhood that it is in, what's around this property?

MR. PETRONELLA: Around my house?

MR. KRIEGER: What other kinds of property?

MR. PETRONELLA: Nearest house is his and another one and after that in the back of me is water and it's got the New York State Aqueduct 600 feet, his house I believe is over 100 feet, my other neighbor's house is 100 feet more, I have some pictures there from the house taken out so you can see all the way around.

MR. KRIEGER: How much, Mike, on this one, how much, how many square feet are existing on this lot?

MR. NUGENT: On the lot is 35,010.

MR. KRIEGER: That are on the lot?

MR. NUGENT: That he has and minimum lot area is 65,000 plus it's R-3.

MR. KRIEGER: Is that 65,000 for anything or 65,000 for a two family?

MR. BABCOCK: Two family.

MR. KRIEGER: What would it be for one family?

MR. BABCOCK: It would be 32,780.

MR. KRIEGER: Still be short for one family?

MR. BABCOCK: No. It goes on availability of water and sewer. This property does have sewer but it has a well so in the R-3 Zone, on a single-family house, you need 32,780 square feet which is 3/4 of an acre, he has 35,000, so he meets that and he did receive a building permit for a single-family house. The lot area increases when you go to a two-family house and also decreases on availability of water and sewer.

MR. KRIEGER: Are there any other two-family houses in the neighborhood?

MR. PETRONELLA: There's one up above me, quite a ways up, maybe 2 or 300 feet, something like that.

MR. KRIEGER: Two family is an allowed use in that zone?

MR. BABCOCK: That is correct.

MR. PETRONELLA: Actually, may I discuss with the board for a second, it's not a two family, there's one bedroom downstairs.

MR. BABCOCK: If there's two separate living units, it's a two-family house. That is the whole purpose of you being here.

MR. KRIEGER: What you're saying as a factual matter the way it's constructed, it can't have two family units there, it's more like one family with an apartment.

MR. PETRONELLA: Yes, I took pictures far away to the house and from the house.

MR. KRIEGER: Anyway to do what he is asking using less, taking up less or is this the minimum that is necessary?

MR. BABCOCK: It's the minimum.

MR. KRIEGER: Let me ask the applicant will there be any adverse impact on the physical or environmental conditions of the neighborhood?

MR. PETRONELLA: I don't see anything because woods in the back of me and houses on each side that are already there so in the back is the aqueduct and they ain't going to put anything back there.

MR. KRIEGER: Is this structure in existence now?

MR. PETRONELLA: Yes.

MR. KRIEGER: If the variances you ask for are granted, you wouldn't make any change to the structure to the outside of the structure?

MR. PETRONELLA: No, it's already there. All I have to do is finish it up, paint it.

MR. KRIEGER: That is all inside but outside there won't be any change.

MR. PETRONELLA: Outside is already there.

MR. KRIEGER: When you built this, did you get a building permit?

MR. PETRONELLA: Yes.

MR. BABCOCK: Yes, he did. Record shows he got a building permit for a single-family house.

MR. KRIEGER: Okay, that is it, that is all I have.

MR. NUGENT: Any other questions by the board?

MR. LANGANKE: I remember discussing this from the preliminary and at that time, I think I determined and I thought it was a self-created hardship.

MR. KRIEGER: The laws in this regard just to remind you that the law in this regard is that that is for an

area variance that is even if you find it's a self-created hardship, that will not per se disqualify the applicant but it may be a factor that will be taken into account. So you basically each member has two questions in regard to this to ask, is it a self-created hardship and is that enough to disqualify the applicant and can it be overlooked?

MR. LANGANKE: If I consider it like to be a very substantial request in conjunction with whether it was self-created or not, that would be something I would consider?

MR. KRIEGER: Yes, you might, that might tip the balance, you might decide that it being self-created and it being sustantially together is enough to cause you to vote no. But you would have to take those, that is a good example, two criteria, you'd have to consider them both self-created alone does not ipso facto to disqualify it.

MR. NUGENT: Originally in the preliminary, we had thought that he needed a use variance but he doesn't.

MR. HOGAN: When you applied for a building permit as a single family house, at what point did you decide that it was going to be a two family?

MR. PETRONELLA: Tell you the truth, I don't even know where I went wrong.

MR. BABCOCK: Basically, the gentleman right now basically does not believe he still has a two-family house.

MR. PETRONELLA: When I got the permit, it was for my father and son, I'm supposed to live downstairs. In fact, I'm still going to live downstairs.

MR. BABCOCK: If you have father and son living together, it's not considered two family, it's the construction is what considers that if there was a wide open stairwell and he slept downstairs in a bedroom and son slept upstairs in a bedroom, it would not be considered two family. But since there's two separate

units there and if he decided to move out tomorrow, His son could rent that out. It's considered a two-family house in our opinion, this was just picked up by Frank not too long ago.

MR. PETRONELLA: When I was putting the sheet rock.

MR. BABCOCK: He went by for inspection and seen the construction type and talked to him and said listen, I think the easiest and simple way to straighten this out is to get a variance to consider it two-family house, nothing is changing, the construction and everything is there, nothing is changing at all. He intends on living there with his son, except it's going to be continued in tack as a two family, if he gets the variance.

MR. PETRONELLA: Besides they are going to put water on Riley Road, I don't know, I mean I'm just here to decide whether I want to finish and get it over with.

MR. KRIEGER: Would you increase the size of the macadam for parking area parking if a goes over what you have planned?

MR. PETRONELLA: No, the driveway's already, there you see part of the stones, only difference got to be done put blacktop over it but it's not going to change anything.

MR. KANE: Are there any immediate two-family homes in the area, even though it's zoned for it but is there anything there?

MR. NUGENT: 300 feet down the road.

MR. PETRONELLA: I hate to say anything, person's got upstairs downstairs, he put an apartment downstairs, somebody renting it but you know what I mean.

MR. BABCOCK: He doesn't want to turn his neighbors in.

MR. KRIEGER: The board didn't ask you for any names of anybody.

MR. PETRONELLA: No, I don't want to say anything.

MR. KANE: And I don't want to know.

MR. PETRONELLA: The house that I have now is back here, and it goes this way down to the road and this is all wet in through here, back here is the aqueduct over here is all wet. The only way I can make that one lot, this is the only place I can put in fill, otherwise I'd have to fill in back here. It would cost me a fortune.

MR. NUGENT: Well, gentlemen, any questions? You have had a chance to look at the pictures and had a chance to look at the old minutes.

MR. KRIEGER: Mr. Chairman, if I may, the record should note that there are two persons present in the audience but it's my understanding they don't desire to speak in any way or be heard?

MR. KANE: Is it permissible to ask them a question? How do you feel about the presentation of this home in that particular neighborhood?

MRS. ROSE: As long as it's owner-occupied, I don't see a problem.

MR. KANE: By granting them the variance and if that one moved out or whatever, that would not change, then it wouldn't be owner-occupied, it would become a two-family situation.

MR. NUGENT: We can't lock that in, goes with the building.

MR. KANE: So if it wasn't owner occupied, you wouldn't be in favor of it?

MRS. ROSE: We really have no objection to it.

MR. PETRONELLA: The original plan shows one door, then, you know, actually supposed to be a double door and when they came in was two single doors but it's just a matter of the door is no big deal, I can take the door out.



MR. KRIEGER: Off the record.

(Discussion was held off the record)

MRS. ROSE: We have absolutely no objections to this house. It's a nice looking house and the part, even if there was an apartment downstairs, you're not going to get a whole lot of people in it, you know, there's not going to be, you can't move a lot of people into it so we have absolutely no objections. My name is Eleanor Rose, we live at 453 Riley Road.

MR. KRIEGER: And that is Mr. Rose with you?

MRS. ROSE: Yes.

MS. BARNHART: Mr. Rose's first name is?

MRS. ROSE: Robert. But there's no objection to this house.

MR. BABCOCK: I think the guy's here trying to be honest and do the right thing and most people including--

MR. KRIEGER: There a lot of people who violate the zoning law a lot worse than this who do it illegally.

MR. BABCOCK: Mr. Lucas's house that the audience talked about before there is no separate dwelling units in that building and when we went to court in reference to that, as far as address, I can have mail sent to your house and that is what we ran into all the time and we could never prove. Although, if three people get together, three young girls get together and rent a house out, is it atually a three-family house? You know, three different girls cause they all live in the same house, that happens all the time. So it is very difficult to prove and that is why we're here tonight to make it, do the right thing. That is what we felt and that is what Mr. Petronella felt was the right thing to do. If he takes out a door then we don't have the two family and he lives the way he wanted to live but you know, he just wants to make something legal.

MR. HOGAN: Is that the definition in the town Code, the second door?

MR. BABCOCK: There's no definition in the Town Code. It's a separate dwelling unit.

MR. KRIEGER: And the existence of a separate dwelling unit is determined on a case-by-case basis. So there's no one criteria that you can single out and is a, this is the thing that makes the difference whether it's two doors or two kitchens in different cases.

MR. HOGAN: Really what I am getting at I don't think any of us wants to deny Mr. Petronella the right to live in the one bedroom unit and his son lives in the other but to grant the variance today gives whoever in the future owns that house the right to rent out two units, if they'd like, whether they are related or not related. And my question really legally is if we deny Mr. Petronella his variance today, what effect does that have on him in terms of his plans of living in there with his son?

MR. KRIEGER: Very little. Would it require at the most some possibly some physical changes of a minor nature so long as it is he and a relative living there.

MR. HOGAN: In other words, the building department cannot require him to take the second door out, that is not the--

MR. KRIEGER: Yes, maybe they can.

MR. NUGENT: That they can do.

MR. KRIEGER: That is precisely the kind of change that I was referring to when I said the reason I called the minor physical changes Mr. Petronella already indicated that that was doable.

MR. KANE: Mike, if they had an opening on the inside, a common runway or area between the things, would that still be considered a two with the two entrances, would that still be considered two-family unit?

MR. BABCOCK: Probably not.

MR. KANE: So, if it was just one opening without a door or whatever?

MR. KRIEGER: Sometimes you have one door into two openings. If you reversed it and had two doors into one opening and I--

MR. KANE: Technically, it probably wouldn't be considered.

MR. BABCOCK: It should be a fully self-contained unit with separate entrances, that is what we try to go by. We have been in many houses where you have two kitchens and you have a bathroom downstairs and you have a den downstairs that they can put a bedroom in and you know you can have but basically, you can have the run of the house upstairs and downstairs but if you have two separate units with two separate entrances, it's my belief that it's considered a two-family house.

MR. PETRONELLA: In other words, if I understand this right, if I take the two doors out and put one door, one single door there, it become one single family, right?

MR. BABCOCK: That is basically yes.

MR. PETRONELLA: As long as I can go from downstairs to upstairs?

MR. BABCOCK: That is correct.

MR. KANE: Or if you had an opening in the side. You can keep the two doors and if you had one opening that connected both sections.

MR. KRIEGER: If both doors opened into the same vestibule, same hallway.

MR. BABCOCK: You wouldn't go through one door and into a little vestibule where you'd have a door to each apartment.

MR. KANE: Not a door, an opening.

MR. BABCOCK: You should be able to go through that house without opening a door, basically.

MR. NUGENT: Downstairs you go through the doors you can go upstairs or downstairs without a door.

MR. BABCOCK: That is correct.

MR. PETRONELLA: I just want to finish.

MR. BABCOCK: Well, the other part of it is--

MR. NUGENT: Now, he doesn't have to be here.

MR. BABCOCK: That is correct but the other part of it was you have fire separations. If you have two families and it's the type of sheet rock that you have to use and so on and so forth, that is why he's been holding up this whole time waiting because if it's a two family, we're going to make him fire code it so there's a fire separation between the two units. If it's not two family, he doesn't have to fire separate it. So I think all in all, my personal opinion he's trying to do the right thing.

MR. KRIEGER: That may be the closest thing to the single criteria I was talking about is the sheet rock.

MR. NUGENT: Any questions? I'll accept a motion if you want to. We have no one in the audience that cared to speak.

MR. KRIEGER: Actually, the two persons in the audience did speak in favor of the application.

MR. PETRONELLA: I had other people call me, they said they don't care. They said do I have to be there? I said no, you don't have to be there, it's no big deal. I just want to get it over with and finish. I have got too much money involved and too much time. To make it easy for the door, I'll take the doors out.

MR. KRIEGER: Maker of a motion does not require the person who makes the motion to vote in any particular way.

MR. HOGAN: I'll make a motion that we grant Mr. Petronella his request for a variance of lot area and lot width for the two-family residence.

MR. LANGANKE: I'll second it.

MR. NUGENT: Now before I call for the vote, he made a statement that and as Andy was explaining something and I don't know if you all heard it, he says he would take the door out.

MR. KANE: Which means he would be able to do whatever he would want and I'm leaning towards that, if the public feels that it is, they are not against it, and if he is going to, why it is in that fashion anyway, I would prefer to see the building inspector make him make that house fire safe, et cetera, considering that anybody can do that, that is the way I'm leaning with this.

MR. NUGENT: Exactly.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	NO
MR. LANGANKE	NO
MR. NUGENT	AYE

MR. KRIEGER: Motion's denied.

MR. PETRONELLA: W'ell take the doors out.

MR. HOGAN: Motion we adjourn.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE

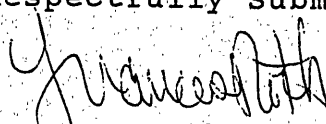
June 13, 1994

52

MR. LANGANKE  
MR. NUGENT

AYE  
AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

7/11/94

Washburn Associates  
44-52 Route 9W  
New Windsor, N.Y. 12553

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

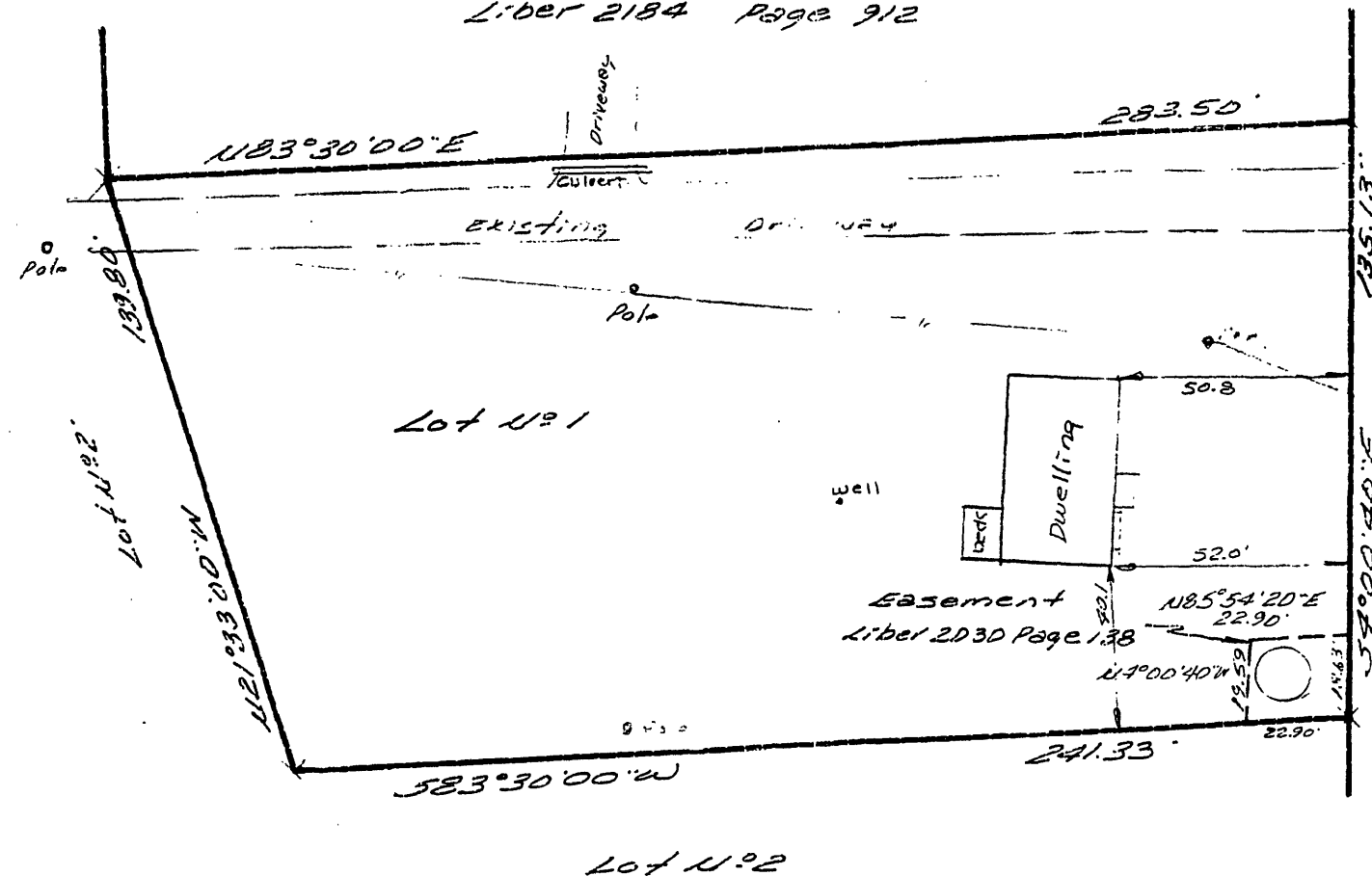


Francesco Petronella  
Susan Petronella  
David Petronella  
Walden Federal Savings  
& Loan Association  
its successors and/or assigns.  
TRW Title Insurance of New York, Inc.

Certified true and correct as shown hereon.

Ronald A. Washburn  
Lic. No. 48368

*N/E Drescher*  
*Liber 2184 Page 912*



Area: 35,426 Sq. Ft.

Map Reference:  
"Francesco Petronella"  
Filed August 28, 1992  
Map No. 92-178

SURVEY MAP FOR

Francesco Petronella

SCALE: 1"=40'	APPROVED BY:	DRAWN BY
DATE: June 24, 1993		REVISED
Town of New Windsor, Orange Co., N.Y.		
Dwelling Location 4/29/1994		DRAWING NUMBER 4843

~~PETRONELLA, FRANK~~

MR. NUGENT: Request for use variance to allow two-family from one-family in R-3 zone, plus 30,330 s.f. lot area, 15 ft. lot width and 10 ft. front yard variance at 459 Riley Road.

Mr. Frank Petronella appeared before the board for this proposal.

MR. PETRONELLA: It's a new house, just built it and this is the location, just been surveyed about two weeks ago. The reason is I've got two front doors and I was talking to Frank and he says it looks like a two family home to me and my son lives there, he said why didn't you go for a variance to put a two family.

MR. NUGENT: Are there any other two families in that area, do you know?

MR. PETRONELLA: There's one up the street from me on the left side, he's got an apartment downstairs. It's an apartment downstairs, not a regular family, just the kitchen, living room, dining room and one bedroom. Originally was supposed to be one door, then my son says one door, you come home, I'm coming home, so why don't we put two doors? And I have to have a variance for the two doors. Doesn't make a difference to me one door or two doors.

MR. NUGENT: Mr. Petronella, you're looking for a use variance and I think that our attorney ought to talk to you what hurdles he has to jump over to get a use variance.

MR. BABCOCK: This is an R-3 Zone so it is not, it shouldn't be written up for a use variance, it's a permitted use in an R-3 Zone.

MR. NUGENT: It says use variance on the denial here.

MR. BABCOCK: We're batting a thousand tonight.

MR. NUGENT: Number 4 is a use variance, if it's allowed in that zone, that is fine.



MR. BABCOCK: I don't have the number for mine.

MR. KANE: It's handwritten in.

MR. BABCOCK: I'm not sure who did that.

MRS. BARNHART: I did, it's not a use variance.

MR. BABCOCK: No.

MR. NUGENT: Never mind, Andy.

MR. BABCOCK: R-3 is permitted two-family houses.

MR. KRIEGER: Does he have water and sewer?

MR. BABCOCK: Just sewer.

MR. KRIEGER: Then it isn't a permitted use, it specifically says with central water and sewer.

MR. BABCOCK: Got to read the whole thing, Andy, there's different areas in the R-3 Zone, just the lot size differs by the amount of services.

MR. NUGENT: What's two family?

MR. BABCOCK: 65,340. Just lot size variance.

MR. KRIEGER: Yes.

MR. NUGENT: What would he need if he had nothing?

MR. KRIEGER: Either have both or it's the equivalent of both or nothing, if you have one, it's the same as having none at all.

MR. BABCOCK: The important thing is sewer because of the percolation test but he's got to put a well in and I think it's already in.

MR. PETRONELLA: It's all in except the sheet rock downstairs.

MR. NUGENT: Does he have sewer?

MR. BABCOCK: Yes and he has a well.

MR. TORLEY: You said there was an additional two-family house somewhere in your neighborhood?

MR. PETRONELLA: Yes, up the street.

MR. BABCOCK: Going out Riley Road from 207, he's on the right-hand side.

MR. NUGENT: That is allowed in this zone?

MR. BABCOCK: That is correct.

MR. NUGENT: Then he doesn't need a use variance.

MR. BABCOCK: Right down on the bottom, we have lot area required is 65,340 and he has 35,010 so he needs a variance of 30,330.

MR. TORLEY: And 15 foot lot width and ten foot front yard.

MR. BABCOCK: That is correct. The front yard for a single family house is 35 feet. For a two-family house, it's 45 feet.

MR. PETRONELLA: I have 50 feet from the road.

MR. BABCOCK: Not from the property line, from the road though.

MR. PETRONELLA: No, it is from the property line then you have got the extra ten feet and then you have the road, the house sits back 50 feet.

MR. NUGENT: 50 feet and eight inches or 52 foot, excuse me.

MR. BABCOCK: You have a survey showing that?

MR. PETRONELLA: Yes, I just got this for the closing.

MR. BABCOCK: Survey they gave us says 35 feet so we can only go by what the survey shows.

MR. PETRONELLA: That is the old one, this is the new one. That is the old man, the guy just put in, he says.

MR. HOGAN: You subdivided, did you subdivid this property?

MR. PETRONELLA: Yes.

MR. HOGAN: In February of '92?

MR. PETRONELLA: Yes.

MR. HOGAN: Are you residing in the rear?

MR. PETRONELLA: Yes, I'm in the back.

MR. HOGAN: At the time you subdivided, did you intend to build a two family up here?

MR. PETRONELLA: No. When I came here and I wanted to get a permit to build for my son and I was supposed to live downstairs and he is supposed to live upstairs. The only difference is I put a kitchen downstairs and I put two front doors instead of one door. If it's too much of a trouble, I'll take the door out and put the plumbing in, simple as that.

MR. BABCOCK: Mr. Chairman, the survey that is showing us today shows that the house is 50 feet off the property line. So he wouldn't need a front yard variance so we can scratch that.

MR. KRIEGER: So we're down to lot size?

MR. BABCOCK: Lot area and lot width.

MR. LANGANKE: He self-created the problem.

MR. PETRONELLA: I didn't really create the problem, I didn't know when he put the front, two front separate entrances and the kitchen downstairs it becomes a two

May 9, 1994

14

family home. That is the only thing I didn't know.

MR. KRIEGER: Would he have sufficient size of a one family home?

MR. BABCOCK: Yes, he got a building permit.

MR. KRIEGER: So, when you're talking about this is solely on account of the fact it's being treated as a two family home, if it were one family, it would be--

MR. BABCOCK: No problem.

MR. TORLEY: It's a one family home lot.

MR. NUGENT: He had a permit for one family and he built the house on the lot that is sufficient for one family house. Problem is you have got two families.

MR. LANGANKE: One family, two doors and he's here because he's got two doors.

MR. NUGENT: And two kitchens.

MR. PETRONELLA: Like some day that I am not around no more, my son has two kitchens, what he is going to do with it cause he's going to rent it out.

MR. KRIEGER: What about utility services is that separate?

MR. PETRONELLA: Separate.

MR. KRIEGER: Two meters?

MR. PETRONELLA: Yes.

MR. NUGENT: Two-family house that is allowed except for the lot size?

MR. BABCOCK: Right.

MR. TORLEY: Sir, I want to make sure I'm correct on this. I've heard this is the lot on which the house is owned, this entire block and divided this off?

MR. PETRONELLA: Yes, I did, I subdivided that, I think he has a map over there.

MR. TORLEY: So you divided this off and this is perfectly suitable for a one family dwelling?

MR. PETRONELLA: One acre, I didn't know what to do with it.

MR. TORLEY: But you could have--

MR. NUGENT: This is a right-of-way to this piece of property and you own all this, can't you give this lot, in other words, have a lot line change done for this lot?

MR. PETRONELLA: Then I have to go through the same thing all over. Then it cost me \$7,000 just to cut this lot out the last time it did, that is how much it cost me.

MR. NUGENT: It won't cost that much for a lot line change.

MR. PETRONELLA: I'm better off taking the door out and kitchen off.

MR. BABCOCK: Not at the Planning Board but I'm not sure what the surveyor charges.

MR. PETRONELLA: I have to go to Goshen and I have to get a stamp, it's \$1,000 just to get stamp.

MR. TORLEY: Even if he does it, this lot is now landlocked.

MR. NUGENT: No, it's not, I'm not giving him all of it.

MR. BABCOCK: He's got 64 feet on the adjoining lot of road frontage.

MR. NUGENT: He needs 60 so even if he gave himself 4 feet, it's not enough.

MR. BABCOCK: That house sits right in the corner, the existing house see where the existing house sits see so we really can't go back much farther neither.

MR. TORLEY: When he made the subdivision the present lot is perfectly suitable for zoning for a single family dwelling, so it can be marketed as a single family dwelling.

MR. BABCOCK: Yes, I think this gentleman's intent was to build a single family dwelling. He believes that he still has a single family dwelling. It's himself and his son. And that is what he was always, just his knowledge of what he felt was the right thing. And a week ago, two weeks ago, Frank went out to do an inspection and he had two doors and two kitchens and two separate units and the whole thing so at this point in time, it's built, it's done and it's ready to be lived in. So we felt that his only option he has a right to appeal, we're saying it's a two-family house he has an option to appeal it and that is what he is here for tonight.

MR. NUGENT: Took the door and kitchen out and be--

MR. BABCOCK: That is correct.

MR. TORLEY: And single utility.

MR. BABCOCK: You can have that if you want.

MR. NUGENT: But that constitutes actually it's the kitchen not even the two doors.

MR. BABCOCK: Yes, you know, you can go a long ways with that one family two family thing.

MR. TORLEY: Cause it is the second kitchen that makes it two family and the second door?

MR. BABCOCK: It's two individual units. If you have a unit that is by itself and another unit by itself then it's two family. If you want to have two kitchens, if your house has one upstairs and one downstairs, you can

have that, that doesn't constitute a two family. When you have two separate units with separate entrances, separate utilities.

MR. PETRONELLA: So really mostly is the entrance two separate entrances, just the front door because the back door you have the sliding door upstairs and downstairs.

MR. BABCOCK: Yes, separate entrances, in my opinion, it's a two-family house, that is why he's here.

MR. TORLEY: Back to the situation of I hate to interfere with somebody, a father taking care of the son but it is a two-family house.

MR. NUGENT: But it's allowed.

MR. TORLEY: On a larger lot.

MR. NUGENT: He can get a variance.

MR. HOGAN: Are you living in the lot to the rear?

MR. PETRONELLA: No. On the rear, yes, the one in the rear I live there now.

MR. NUGENT: The big thing I see the variance request on lot area is the thing. The lot width request is minimal and we have done away.

MR. LANGANKE: Plus the problem was self-created.

MR. TORLEY: It was designed and set up as a one family house, as a lot approved for a one family house. He's entitled to you public hearing.

MR. NUGENT: Absolutely.

MR. TORLEY: Keeping an open mind till after all the information is provided at the public hearing, I've got some severe reservations now about this. But if you wish to have a public hearing, I'll move for a public hearing.

May 9, 1994

18

MR. HOGAN: With the same reservations, I'll second it.

MR. NUGENT: You understand where they are coming from?

MR. PETRONELLA: Got an idea, I guess we have to notify our neighbors?

MR. NUGENT: The members of the board are not real comfortable with the whole thing because there's such a tremendous, almost double lot area required.

ROLL CALL

MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE

MR. KRIEGER: When you come back, there are 5 criteria that the Zoning Board of Appeals must use to make their decision. Those 5 criteria are listed there. If you would in making a presentation address yourself to them by name and in order, it would be helpful.

MR. PETRONELLA: All right.

MR. TORLEY: In order to obtain the variance you must get 3 affirmative votes, 3 yes votes after a public hearing.

MR. PETRONELLA: All right, thank you.

MR. KRIEGER: Do you have a copy of your deed?

MR. PETRONELLA: Not with me.

MR. KRIEGER: Not now but to bring it back with you and how soon did you, how long ago did you buy it? Do you have the title report still?

MR. PETRONELLA: You mean the title report?

MR. KRIEGER: From the title company when you bought it indicating that it was hopefully binding that you in



May 9, 1994

19

fact own it, how long ago did you buy it?

MR. PETRONELLA: 15, 20 years ago.

MR. NUGENT: He subdivided it in '92.

MR. KRIEGER: If you don't have it, don't worry about it, just bring your deed.

MR. PETRONELLA: Thank you gentlemen.

MR. NUGENT: We have one picture of the, of the house, which is in the folder. Maybe if you can take a couple of pictures showing the house in relation to the neighbor's houses and maybe houses in the rear, just to see where it lays on the lot, give us a better idea of what it looks like, we'll try to take a ride out and see what it looks like.

MR. PETRONELLA: Thank you.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Frank Peronella

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 94-12.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 26, 1994, I compared the 15 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
26<sup>th</sup> day of May, 1994.

Deborah Green  
Notary Public

**DEBORAH GREEN**  
**Notary Public, State of New York**  
**Qualified in Orange County**  
**# 4984065**  
**Commission Expires July 15, 1995**

(TA DOCDISK#7-030586.AOS)

pls. publish immediately. Send bill to Applicant at Below Address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 12

Request of Francesco Petronella

for a VARIANCE of the Zoning Local Law to permit:

existing two-family dwelling w/ insufficient  
lot area & lot width;

being a VARIANCE of Section 48-12 - Table of Use/Bulk  
Regs. - Cols. C & D

for property situated as follows:

459 Riley Rd., New Windsor, N.Y.

known as tax lot Section 35 Block 1 Lot 3.31.

SAID HEARING will take place on the 13th day of June,  
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(15)

May 24, 1994

Mr. Francesco Petronella  
455 Riley Road  
New Windsor, NY 12553

RE: Tax Map Parcel 35-1-3.31 Variance List  
Property Location: 459 Riley Road, New Windsor, NY 12553

Dear Mr. Petronella:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook / cd*

LESLIE COOK  
Sole Assessor

LC/cd  
Attachments  
CC: Pat Barnhart

Sorbello, Vincent & Patricia  
Box 205  
RD 2 Riley Road  
New Windsor, NY 12553

Drescher, Peter  
RD 2 Riley Road  
New Windsor, NY 12553

Fry, Jr. Gordon W. & Lan Moon Chin  
24 Patton RD  
Newburgh, NY 12550

Infante, Phillip J. & Winifred  
Box 204  
RD 2 Riley RD  
New Windsor, NY 12553

Conte, Joseph R. & Mary Kirkpatrick  
RD 2 Box 204A  
Riley Road  
New Windsor, NY 12553

Muller, William E & Gloria J  
RD 2 Box 228  
Riley Road  
New Windsor, NY 12553

Rose, Robert W. & Eleanor M  
226 Riley Rd.  
New Windsor, NY 12553

Sheridan, John J. & Mary E.  
RD 2 228 Riley Road  
New Windsor, NY 12550

Cassiello, Nancy J & Gary J  
204B Riley Rd  
New Windsor, NY 12553

Infante, Anthony S. & Byron T. & Philip J.  
RD 2 Riley Road  
Newburgh, NY 12550

NEW YORK CITY DEPT. of E P  
c/o City of New York DEP Bureau of Water Supply-OWSL  
Suite 350, 465 Columbus Ave.  
Valhalla, NY 10595

Fronters, Madelena Giammorino  
RD 2 Riley Road  
Box 286  
New Windsor, NY 12553

Salmeri, Stephen & Rose  
474 Riley Rd  
New Windsor, NY 12553

Marra, Anthony & Angelina  
940 Downing Rd  
Valley Stream, NY 11580

Gray, Edythe  
Box 206  
RD 2 Riley Road  
New Windsor, NY 12553

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-12

Date: 5/18/94

I. Applicant Information:

- (a) Francesco, Susan Petrone David Petrone 455 Riley Road  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-3 459 Riley Road 35 13.31 35,426 sq ft  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 11/79
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) <sup>N/A</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) <sup>N/A</sup> The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. C9D.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>65,340 s.f.</u>	<u>35,010 s.f.</u>	<u>30,330 s.f.</u>
Min. Lot Width <u>150 ft.</u>	<u>135 ft.</u>	<u>15 ft.</u>
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

✓ there is more property that can be attached to the lot to meet the required lot area but it is low-lying wet land and would cost too much to have it filled in and drained.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) *N/A* Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. *N/A*.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

*Speed-Memo*

*Date* March 3, 1993

*Subject:* Francesco Petronella to Francesco, David & Susan Petronella

Dear Mr Petronella:

Enclosed is original deed which has been recorded in the Orange County Clerks Office.

Please be sure you insurance agent has the proper liability coverage for all names.

Yours truly,

┌ Francesco Petronella  
Box 227 Riley Rd  
TO New Windsor NY 12553  
└

**ALFRED F. CAVALARI, P.C.**

*Attorney at Law*

POST OFFICE BOX 4282  
NEW WINDSOR, NEW YORK 12553  
(914) 361-5969

### Description of Property for Frank Petronella

Beginning at a point in the westerly line of Riley Road, said point being in the division line between lands now or formerly Drescher, as described in deed liber 2184 at page 912, and the herein described parcel, all as shown on a certain map entitled "Francesco Petronella" as filed in the Orange County Clerk's Office on August 28, 1992, as filed map no. 92-178, and running thence;

- (1) S4°00'40"E 135.13 feet, along the said line of Riley Road, to a point, thence;
- (2) S83°30'00"W 241.33 feet, along lot no. 2 of the said filed map no. 92-178, to a point, thence;
- (3) N21°33'00"W 139.80 feet, along the same, to a point, thence;
- (4) N83°30'00"E 283.50 feet, along the aforesaid lands of Drescher, to the point or place of beginning.

Containing 35,426 square feet of land.

Subject to an easement as recorded in Liber 2030 at page 138, and described as follows;

Beginning at the terminus of the abovedescribed first course and running thence;

- (a) S83°30'00"W 22.90 feet, to a point, thence;
- (b) N4°00'40"W 19.59 feet, to a point, thence;
- (c) N85°54'20"E 22.90 feet, to a point, thence;
- (d) S4°00'40"W 18.63 feet, to the point or place of beginning.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

FRANCESCO PETRONELLA

TO

FRANCESCO PETRONELLA,  
DAVID PETRONELLA & SUSAN  
PETRONELLA

SECTION 35- BLOCK 1 LOT 3.3

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

ALFRED F. CAVALARI P.C.  
Attorney at Law  
P.O. Box 4282  
New Windsor, NY 12553

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 63159 DATE 12/2/92 AFFIDAVIT FILED \_\_\_\_\_ 19\_\_\_\_

INSTRUMENT TYPE: DEED ☒ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

BG20 Blooming Grove \_\_\_\_\_  
CH22 Chester \_\_\_\_\_  
CO24 Cornwall \_\_\_\_\_  
CR28 Crawford \_\_\_\_\_  
DP28 Deerpark \_\_\_\_\_  
GO30 Goshen \_\_\_\_\_  
GR32 Greenville \_\_\_\_\_  
HA34 Hamplonburgh \_\_\_\_\_  
HI38 Highlands \_\_\_\_\_  
MK38 Minisink \_\_\_\_\_  
ME40 Monroe \_\_\_\_\_  
MY42 Montgomery \_\_\_\_\_  
MH44 Mount Hope \_\_\_\_\_  
NT46 Newburgh (T) \_\_\_\_\_  
NW48 New Windsor ☒  
TU50 Tuxedo \_\_\_\_\_  
WL52 Wallkill \_\_\_\_\_  
WK54 Warwick \_\_\_\_\_  
WA56 Wawayanda \_\_\_\_\_  
WO58 Woodbury \_\_\_\_\_  
MN09 Middletown \_\_\_\_\_  
NC11 Newburgh \_\_\_\_\_  
PJ13 Port Jervis \_\_\_\_\_  
9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.  
Recorded on DEC 08 1992  
at 257 O'Clock P M.  
in Liber/Film 3717 Deen  
at page 58 and examined.  
Marion S. Murphy  
County Clerk

CHECK \_\_\_\_\_ CASH \_\_\_\_\_ CHARGE ☒

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ E

RECORD. FEE \$ 17-

REPORT FORMS \$ 30-

CERT. COPIES \$ \_\_\_\_\_

*A. Cavalari*

RECEIVED	
\$	<u>Exempt</u>
REAL ESTATE	
DEC 08 1992	
TRANSFER TAX	
ORANGE COUNTY	

LIBER **3717** PAGE **58**

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.ALFRED F. CAVALARI P.C.  
Attorney at Law  
P.O. Box 4282  
New Windsor, NY 12553

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 63159 DATE 12/2/92 AFFIDAVIT FILED 19INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove ☐  
 CH22 Chester ☐  
 CO24 Cornwall ☐  
 CR26 Crawford ☐  
 DP28 Deerpark ☐  
 GO30 Goshen ☐  
 GR32 Greenville ☐  
 HA34 Hamptonburgh ☐  
 HI38 Highlands ☐  
 MK38 Minisink ☐  
 ME40 Monroe ☐  
 MY42 Montgomery ☐  
 MH44 Mount Hope ☐  
 NT46 Newburgh (T) ☒  
 NW48 New Windsor ☐  
 TU50 Tuxedo ☐  
 WL52 Wallkill ☐  
 WK54 Warwick ☐  
 WA56 Wawayanda ☐  
 WO58 Woodbury ☐  
 MN09 Middletown ☐  
 NC11 Newburgh ☐  
 PJ13 Port Jervis ☐  
 9999 Hold ☐

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes ☐ No ☐3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on DEC 08 1992at 257 O'Clock 3:17 M.in Liber/Film 3717at page 58 and examined.Marion S. Murphy

County Clerk

CHECK ☐ CASH ☐ CHARGE ☒

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 5-RECORD. FEE \$ 17-REPORT FORMS \$ 30-

CERT. COPIES \$ \_\_\_\_\_

A. Cavalari

RECEIVED

\$ Exempt  
 REAL ESTATE  
 DEC 08 1992  
 TRANSFER TAX  
 ORANGE COUNTY  
mrl

LIBER 3717 PAGE 58

ORG 12/08/92 02:57:17 58123 47.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 63159 .00 \*

\*\*\*\*\* SERIAL NUMBER: 003137 \*\*\*\*\*

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 9 day of DECEMBER, nineteen hundred and ninety-two.

BETWEEN FRANCESCO PETRONELLA, Riley Road, New Windsor NY 12553

party of the first part, and FRANCESCO PETRONELLA, DAVID  
PETRONELLA and SUSAN PETRONELLA, residing at Riley Road, New Windsor NY 12553  
as joint tenants with right of survivorship,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----One Dollar and NO/100(\$1.00)----- dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, Orange County, New York

AS PER DESCRIPTION ON SCHEDULE ATTACHED



party of the first part, and **FRANCESCO PETRONELLA,**  
**PETRONELLA and SUSAN PETRONELLA,** residing at Riley Road, New Windsor NY 12553  
as joint tenants with right of survivorship,

**DAVID**

party of the second part,

**WITNESSETH,** that the party of the first part, in consideration of

-----One Dollar and NO/100(\$1.00)----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, Orange County, New York

**AS PER DESCRIPTION ON SCHEDULE ATTACHED**

SCHEDULE A

---

Beginning at an iron pipe marking the westerly line of Riley Road, said pipe also marking the corner of lands now or formerly Drescher, as described in deed liber 2184 at page 912, all as shown on a certain map entitled "Francesco Petronella" as filed in the Orange County Clerk's Office on August 28, 1992, as filed map no. 92-178, and running thence;

- (1) S4°00'40"E 135.13 feet, along the said line of Riley Road, to a point, thence;
- (2) S83°30'00"W 241.33 feet, along lot no. 2, of the said filed map no. 92-178, to a point, thence;
- (3) N21°33'00"W 139.80 feet, along the same, to an iron pipe, thence;
- (4) N83°30'00"E 283.50 feet, along the aforesaid lands of Drescher, to the point or place of beginning.

Subject to an easement to the Town of New Windsor, being described as follows;

Beginning at the terminus of the abovedescribed first course and running thence;

- (a) S83°30'00"W 22.90 feet, to a point, thence;
- (b) N4°00'40"E 19.59 feet, to a point, thence;
- (c) N85°59'20"E 22.90 feet, to a point, thence;
- (d) S4°00'40"E 18.63 feet, along the said line of Riley Road to the point or place of beginning.

road, said pipe also marking the corner of lands now or formerly Drescher, as described in deed liber 2184 at page 912, all as shown on a certain map entitled "Francesco Petronella" as filed in the Orange County Clerk's Office on August 28, 1992, as filed map no. 92-178, and running thence;

- (1) S4°00'40"E 135.13 feet, along the said line of Riley Road, to a point, thence;
- (2) S83°30'00"W 241.33 feet, along lot no. 2, of the said filed map no. 92-178, to a point, thence;
- (3) N21°33'00"W 139.80 feet, along the same, to an iron pipe, thence;
- (4) N83°30'00"E 283.50 feet, along the aforesaid lands of Drescher, to the point or place of beginning.

Subject to an easement to the Town of New Windsor, being described as follows;

Beginning at the terminus of the abovedescribed first course and running thence;

- (a) S83°30'00"W 22.90 feet, to a point, thence;
- (b) N4°00'40"E 19.59 feet, to a point, thence;
- (c) N85°59'20"E 22.90 feet, to a point, thence;
- (d) S4°00'40"E 18.63 feet, along the said line of Riley Road to the point or place of beginning.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

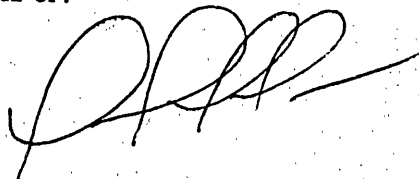
...in premises herein granted unto the party on the second part, the heirs or  
successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
FRANCESCO PETRONELLA



Washburn Associates  
44-52 Route 9W  
New Windsor, New York

Map Reference;  
"Peter Congelosi"  
Filed August 1, 1972  
Filed Map No. 2834

"Only copies from the original of this survey marked with an original of the Land Surveyor's inked seal or his embossed seal shall be considered to be valid true copies."

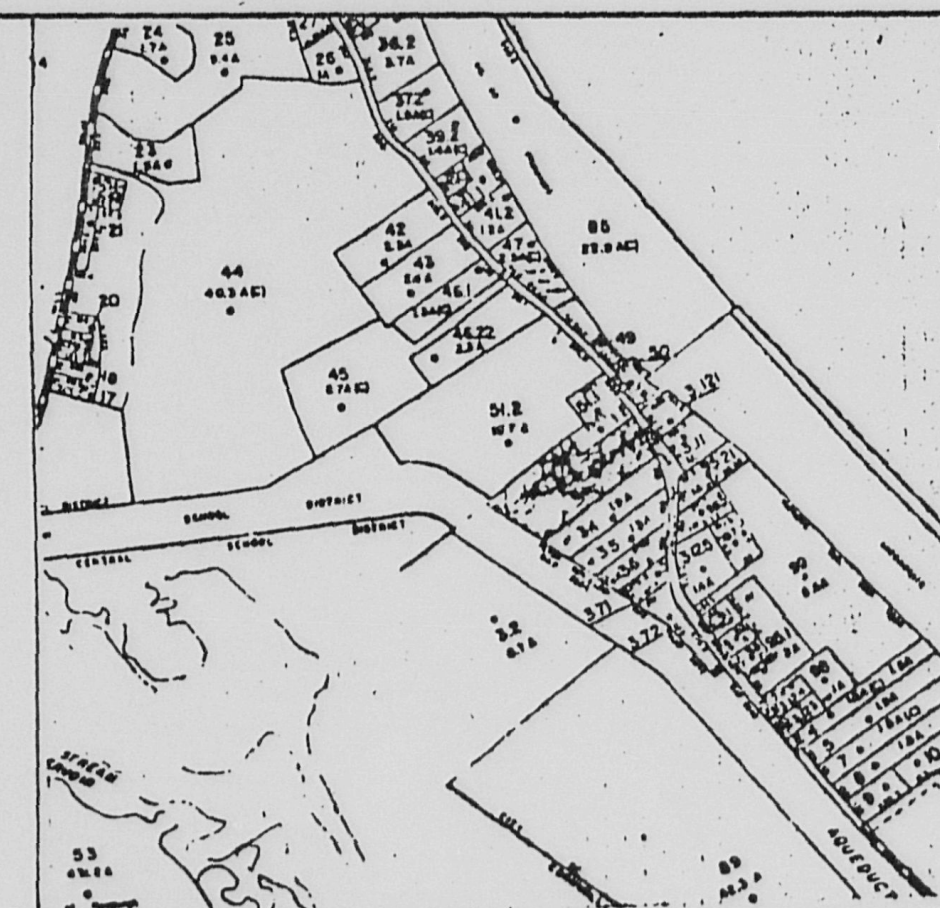
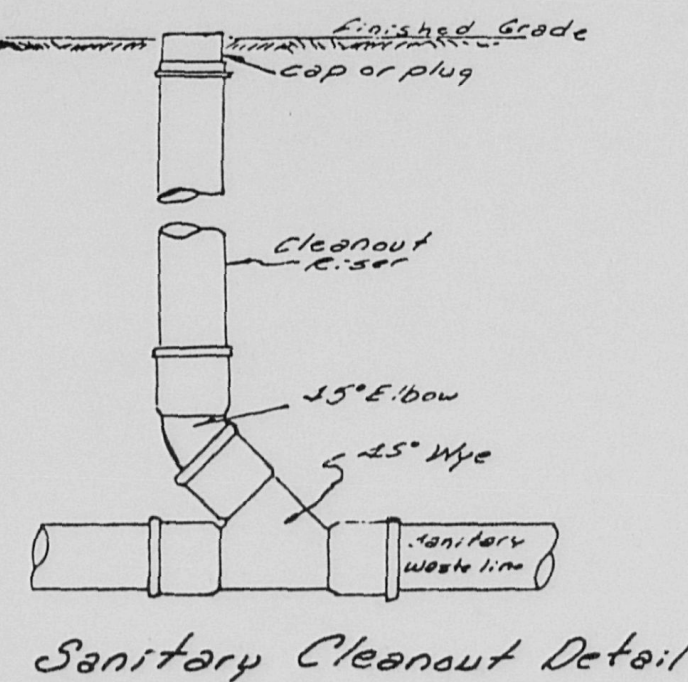
"Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

Applicable Zoning  
R-3 Zone

	Required	Provided
Min. Area	32,670 Sq. Ft.	35,010 Sq. Ft.
Min. Width	100 feet	135 feet
Min. Front Yard	35 feet	35 feet
Min. Side Yard	15 feet	15+ feet
Both Side Yards	30 feet	30+ feet
Min. Rear Yard	40 feet	40+ feet
Min. Frontage	60 feet	60 feet
Bldg. Ht. (Max)	35 feet	
Percent of coverage	15%	
Liveable Area	1000 Sq. ft.	

N/F Frontera  
Liber 1923 Page 828

WELL DETAIL  
NO SCALE

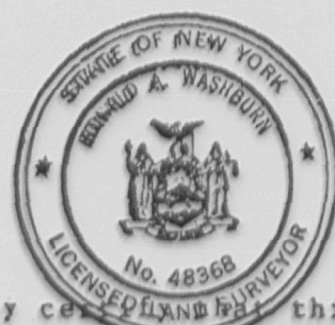
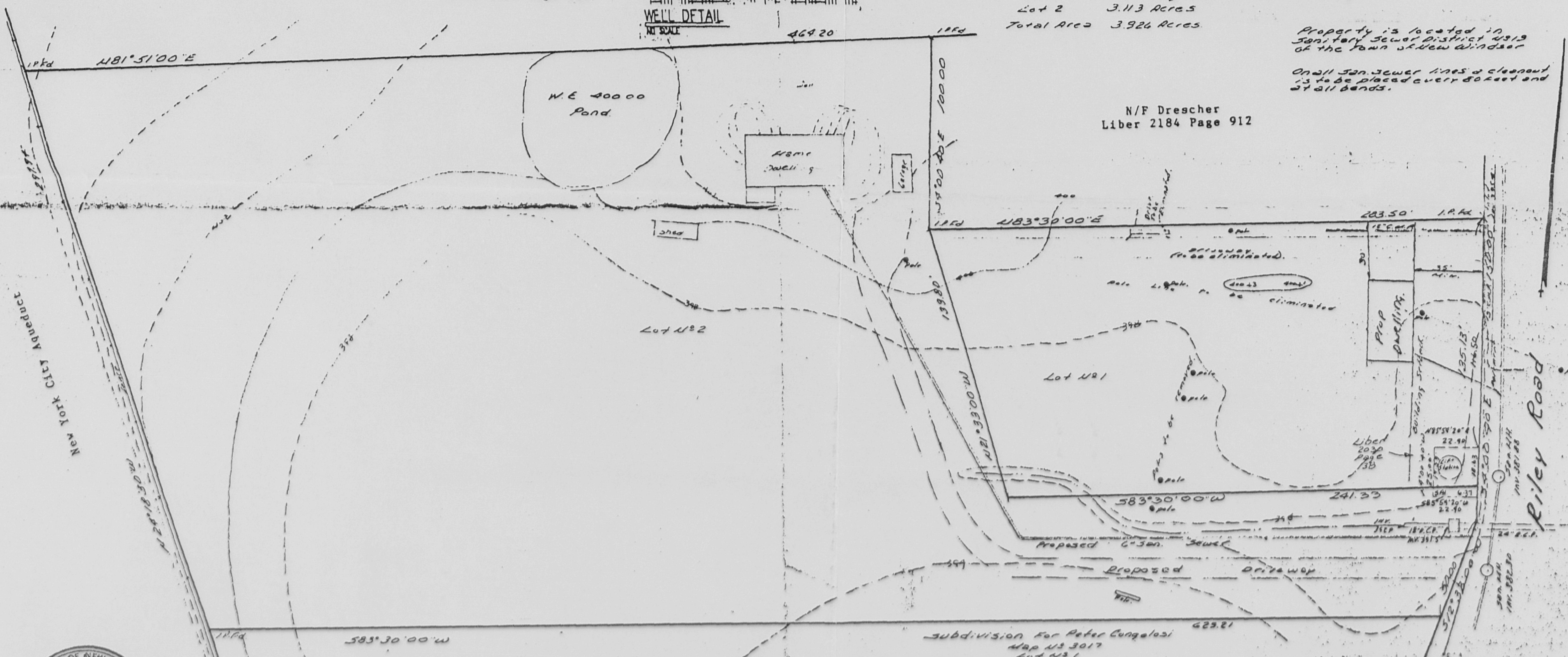


Town of New Windsor Tax Map Section  
35 Block 1 Lot 3.3

Lot Area  
Lot 1 35,426 Sq. Ft. Easement Area 416 Sq. Ft.  
Lot 2 3,113 Acres  
Total Area 3,926 Acres

Property is located in  
Sanitary Sewer District 4313  
of the Town of New Windsor  
On all San. Sewer lines a cleanout  
is to be placed every 80 feet and  
at all bends.

N/F Drescher  
Liber 2184 Page 912



I hereby certify that this is the result of an actual \* P.R.A.P. \* T.C.  
Land Survey prepared by myself on Dec. 1991, and is certified  
true and correct as shown hereon.

Ronald A. Washburn  
Ronald A. Washburn Lic. No. 48368

Map# 178-92  
Orig. Filed 8/28/92  
Byk. Canale  
Senior Clerk

SUB DIVISION APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
MAR 18 1992 AUG 19 1992

BY Ronald Lander  
RONALD LANDER  
SECRETARY

Margaret Mason  
Secretary for the P.B.

Record Owner and Subdivider

Francesco Petronella  
Riley Road  
New Windsor, New York, 12553

I, Francesco Petronella Have  
reviewed this plat and concur.  
Francesco Petronella Date Feb 17, 1992

Francesco Petronella	
SCALE: 1"=40'	APPROVED BY:
DATE: Feb. 1992	REVISOR: 3/3/92
Town of New Windsor, Orange Co., N.Y.	
DRAWING NUMBER 1843	